

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

TIMOTHY AND SUSAN BARRY,)	CIVIL ACTION NO.: 10-CV-03120
)	
Plaintiffs,)	
)	
vs.)	
)	
EMC MORTGAGE, <i>et al.</i>)	
)	
Defendants.)	

MOTION TO STRIKE – AFFIRMATIVE DEFENSES

Pursuant to Rule 12(f) of the Federal Rules of Civil Procedure Rule and for the reasons set forth in the accompanying Memorandum in Support, Plaintiffs Mr. Timothy and Susan Barry respectfully moves this Court to STRIKE the Affirmative Defenses stated in paragraphs 170-172 of Defendant's Answer to Plaintiffs' Complaint, 10-cv-03120-DKC, filed with this Court on July 20, 2011.

Respectfully submitted,

/s/ Ian Stumpf
Ian Stumpf
JR Howell & Associates
1325 G Street NW
Suite 500
Washington D.C. 20005
P: 202.552.7386
F: 202.552.7387
E: istumpf@jrlegalstrategies.com
Attorney for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on August 8, 2011, a copy of the foregoing was submitted to the parties listed below via the Court's electronic filing system.

JOHN S. SIMCOX
CHAD KING
Simcox and Barclay, LLP
888 Bestgate Road, Suite 313
Annapolis, Maryland 21401
Tel: 410-266-0610
Fax: 410-266-0813
Attorneys for Defendant
*JP Morgan Chase Bank, N.A. as successor
servicer to EMC Mortgage LLC, formerly
known as EMC Mortgage Corporation*

Respectfully submitted,

/s/ Ian Stumpf
Ian Stumpf
JR Howell & Associates
1325 G Street NW
Suite 500
Washington D.C. 20005
P: 202.552.7386
F: 202.552.7387
E: istumpf@jrlegalstrategies.com
Attorney for Plaintiffs